

Chang, Lisa

From: Chang, Lisa
Sent: Tuesday, February 23, 2016 11:04 AM
To: 'Dietrich Schmitt'
Cc: Murchie, Peter; Stephanie Suter; Scott Williamson
Subject: FY14 Swinomish proposal
Attachments: RE: Swinomish FY14 Proposal; FY14 Swinomish EPA comments 2-22-16.docx

Hi Dietrich,

Thanks for sending the revised FY14 subaward proposal from Swinomish. We provided initial comments in May 2015 (attached). Please find my additional comments on this revised version. Also cc-ing the PSP reviewers as per my usual protocol with subaward reviews!

Let me know if you have any questions.

Lisa

From: Dietrich Schmitt [<mailto:dschmitt@nwifc.org>]
Sent: Wednesday, February 17, 2016 2:57 PM
To: Chang, Lisa <Chang.Lisa@epa.gov>
Subject: FW: FY14_EPAProposal_TJWQPSwin02152016docx.docx

Hi Lisa,

Attached is most the current version the FY 2014 Swinomish workplan NWIFC is planning to approve. If you could provide response to close the administrative loop on the EPA comments provided back in May of 2015 that would be great. I kept it in track changes so you could see where costs associated with various tasks changed.

Dietrich

Northwest Indian Fisheries Commission Grant Program

FY 2014 Noncompetitive Tribal Projects for Restoration and Protection of Puget Sound

Swinomish Indian Tribal Community Non-Point Pollution Public Information and Education Initiative – Year 5

Program Contact:	Larry Wasserman (lwasserman@swinomish.nsn.us) Environmental Policy Director 11430 Moorage Way La Conner, WA 98257
Phone Number:	360-466-7250; Fax 360-466-4047
Grant Name:	NWIFC FY 2014 Noncompetitive Tribal Projects for Restoration and Protection of Puget Sound
Project Period:	February 1, 2015 – January 1, 2016
Project Officer Name and Address:	Tiffany J. Waters Northwest Indian Fisheries Commission 6730 Martin Way East Olympia, WA 98516
Phone Number:	360-528-4318

1. **Project Title:** Non-Point Pollution Public Information and Education Initiative
2. **Workplan Abstract:** Implementation of current state and local regulations, and the regulations themselves, have been shown to be inadequate to protect water quality and fish habitat. This project proposes to continue our public education effort that will be directed at decision makers and the general public to improve the standards and implementation of best management practices, and to increase the level of regulatory certainty that instream resources will be protected, consistent with the Skagit Chinook Recovery Plan.
3. **Tribe:** Swinomish Indian Tribal Community
4. **Project Location:** Efforts will be directed at both the Skagit Watershed and throughout Puget Sound.
5. **Eligible Activities to be Addressed:**
 - a. Skagit Chinook Recovery Plan (A.6.1)
 - b. Support local governments to adopt and implement plans, regulations, and policies consistent with protection and recovery targets, and incorporate climate change forecasts (A 1.2)

- c. Improve, strengthen and streamline implementation and enforcement of laws, plans regulations and permits consistent with protection and recovery targets (A 1.3)

- 6. **Proposed Starting and Ending Dates:** February 1, 2015 – ~~January 1, 2016~~ May 1, 2017
- 7. **Project Coordinator:** Larry Wasserman, Swinomish Indian Tribal Community Planning Department, 11430 Moorage Way, LaConner, WA 360-466-4047 (fax), 360-466-7250 (office), lwasserman@skagitcoop.org swinomish.psn.us

Field Code Changed

8. Project Narrative

a. Need for Project:

Completion of the proposed project is a top priority for the Swinomish Tribe. Numerous studies conducted within the Skagit watershed have demonstrated that non-point pollution and the lack of riparian vegetation have significant negative impacts on fisheries resources. Two TMDL studies have been conducted by the Department of Ecology (DOE) for the Skagit River and its lower tributaries (Pickett, 1997; Zalewsky & Bilhimer, 2004). The studies explain that many streams are currently on the Clean Water Act 303(d) list as result of high temperatures, low oxygen, and fecal coliform, which in turn is the result in large measure of inadequate riparian buffers and unrestricted cattle access. TMDL's, when developed, have either not been implemented or are not adequate to alleviate the source of pollutants.

Skagit Chinook Recovery Plan

The following is excerpted from the Skagit Chinook Recovery Plan (SRSC & WDFW, 2005) that speaks broadly to how the work proposed within this workplan is seeking to implement this Plan:

“Successful habitat protection depends on three important components. First is a public that recognizes the importance of salmon habitat protection, and that does not condone actions by others that do harm to these resources. This sentiment should be nurtured through a vigorous public information effort, and by providing the technical information to assist landowners and others in their efforts to comply with existing regulations. Technical and financial resources should also be made available to those who voluntarily want to do even more to protect and restore salmon habitat if they so choose. Providing people with the information to make informed decisions that will be protective of salmon habitat when working in and around streams is the first step towards habitat protection. To summarize, providing people the tools to “do the right thing” capitalizes on the vast majority of the public that wants to provide for a future for Skagit River Chinook.

A second factor and one that needs to be implemented concurrently with the first step is an unambiguous regulatory framework that insures that the habitat needs of the fisheries resource are fully protected, either through avoidance of impacts or through the full mitigation of unavoidable impacts. The regulations should provide sufficient clarity to landowners and other project proponents about what standards need to be met, and what actions are unacceptable.

These regulations must be applied equally to all, with assistance from implementing agencies so that people can understand the necessity of the regulated actions, and how they can comply.

Finally, there needs to be an enforcement presence to insure that those that choose not to follow the rules will be held accountable. This is important for a number of reasons. First and foremost, vigorous enforcement provides a deterrence to those that might otherwise try to circumvent or ignore existing regulations. Also important is that an active enforcement process indicates to those that are abiding by the rules that others will be held to a similar standard, and that there is an even playing field for everyone that needs to work in an around streams. Finally, a vigorous enforcement presence indicates to the public that these matters are an important public policy, and that the authorities with jurisdiction take their responsibilities seriously and are committed to ensuring that salmon protection is an important priority" (2005, p.78).

Specific Skagit Chinook Recovery Plan recommendations that this project seeks to educate stakeholders and decision makers on the need to address include:

- Recommendation 20 - Development of "a regulatory framework in the form of an Agricultural Practices Act, a Riparian Protection Act, or the mandatory use of Farm Plans based on Best Management Practices (BMP) based on Best Available Science (BAS). *The commitment to enforce these regulations, is a necessary component to protect water quality within the Skagit Basin*" (emphasis added, p.86) .
- Recommendation 21 - "Assist and support development of Total Maximum Daily Load (TMDL)s for each of the Chinook streams listed on the 303(d) list in the Skagit River Basin. *Identify and implement the measures necessary to meet water quality standards. These measures should become part of either local or state regulations to ensure their implementation*" (emphasis added, p.87).
- Recommendation 24 - "The Shorelines Management Act currently exempts agricultural practices, which inadequately protects essential Chinook habitat. Protecting this habitat requires modification of the Shorelines Management Act to eliminate the exemption for agricultural practices, or to develop alternative mechanisms that provide equivalent levels of protection" (p.87).
- Recommendation 28 - "Ensure the adequacy of water quality violation investigations and follow up, and review the adequacy of BMPs as implemented" (p.87).

Unfortunately, since the Chinook Recovery Plan was adopted by NOAA nine years ago, there has been little change in the regulatory structure or the degree of implementation of these measures. There has also been little local support for adoption or enforcement of regulations to meet water quality standards. Unless decision makers and the general public are made aware of the sources of pollution, the adequacy of currently regulations, and the need for additional enforcement, it is unlikely that water quality will improve or that fisheries resources will be protected.

The Swinomish Tribe is cognizant that the Puget Sound Partnership currently engages in a Puget Sound-wide public outreach and education campaign (Puget Sound Partnership, 2006). Their broad goals include: "Increase public awareness/concern about Puget Sound - and the land around it...; Make improving the health of Puget Sound a public priority; Build broader and

deeper support that can be translate into voter or legislative action for comprehensive solutions; Encourage behavior change; [and] Elevate Puget Sound as a national environmental asset on the same level as the Chesapeake Bay or the Florida Everglades" (Puget Sound Partnership, 2006). While a broad Puget Sound wide protection and outreach is important, regional stakeholders and decision makers within the Puget Sound region are diverse and, we believe that for Skagit Watershed water quality to improve, there is a crucial need for targeted information to stakeholders and decision makers to support improved regulatory mechanisms to protect and restore water quality and fisheries resources within the Skagit Watershed and throughout Puget Sound.. We believe that the implementation of our public information and education initiative will fill a critical need, for the benefit of both our fisheries and water quality for the whole community.

Under Year One of funding, Swinomish developed, via contractor, a Public Information and Education Strategic Plan. Methodologies for the development of this Strategic Plan included: introductory meetings between the consultant and Swinomish to discuss the current water quality regulatory deficiencies and appropriate literature to review; a comprehensive water quality literature review and discussions with a number of subject matter experts around the state; a statistically valid quantitative research survey regarding public opinion of water quality that was conducted in July 2012, using a sample of 600 people from across the state; and in-person interviews of approximately two dozen water quality stakeholders from a wide range of backgrounds, also distributed around the state. The survey and in-person interviews focused on: 1) perceptions of water quality in WA State; 2) value/perceptions of water quality protections and regulations; and 3) value/perceptions of governance (local, federal, private sector) in relation to water quality.

It was determined that any attempt to improve water quality laws and enforcement in Washington will require an intensive period of public education (to both the general public as well as opinion leaders) to overcome perceptual problems. To achieve change, the problems with water quality in Washington need to be framed in ways that resonate with average citizens, such that they are educated that:

- o The scenic appearance of Puget Sound, rivers and lakes hides a growing and dangerous water quality problem.
- o That problem represents a threat to the health, safety and economic well-being of future generations of Washingtonians.
- o The water quality problem can be solved without exorbitant cost to the average citizens.

Taking Year One findings and Strategic Plan Development into account, Year Two of this funding's workplan focused on building partnerships to educate the public and stakeholders on the sources of pollution, the inadequacy of currently regulations, and the need for additional enforcement to improve water quality, and water quality print and radio ads and materials that can be used for that purpose. Year three of this plan focused on measuring and refining the effectiveness of our messages. Polling data indicated very strong support for the establishment of regulatory buffers on agricultural land in order to protect water quality. Strategies 360, the

Tribes's consultant on this project to date, would assist the Tribe in supporting an outreach effort along with other collaborating organizations.

b. Project Tasks, Outputs, and Outcomes.

This project will continue to implement recommended elements of the public information and education strategy developed during previous years with the intent of supporting efforts to strengthen nonpoint pollution regulations. The goal of effort in Year 5 will be to raise awareness in both the public and decision makers about accountability in the agriculture industry where nonpoint-source pollution and our state's water resources are concerned, and to encourage regulators and legislators to adopt more protective approaches in the future.

1. Task: Continue to refine messages for robust, coherent public information campaign through highly visible distribution channels, leveraging content from website, scientific data, opinion research conducted in Task 1 of FY 11 and Task 2 and 3 of FY 13, and using insights for digital marketing conducted in Task 2 below.

Output: Message refined to reflect behavior patterns expressed in response to digital marketing efforts, represented in advertising content and on the website.

Cost: \$5,000

2. Task: Conduct digital marketing campaign using display, search and social media advertisements, utilizing demographic and consumer targeting, with messages developed in Task 1 above and consistent with Task 3 in FY 11.

Output: 40,000 new unique visits to website.

Cost: \$37,450

3. Task: Conduct outreach to at least five allied stakeholder groups for mutual support and third-party validation, including the Western Environmental Law Center, People for Puget Sound, Puget Soundkeeper Alliance, Center for Environmental Law and Policy, the Washington Environmental Council, Puget Sound Partnership, the Fish Commission and the Environmental Protection Administration. This task is consistent with Task 6 in FY 11.

Output: Outputs include mutual message alignment, support and amplification; use of stakeholder logos on the What's Upstream website; stakeholder newsletter and website promotion of What's Upstream campaign.

Cost: \$2,000

4. Task: Provide for a minimum of 4 ads in Washington newspapers, building on Task 2 in FY 11, Task 4 in FY 12 and Task 5 in FY 13.

Output: 4 paid print ads, with distribution in the Seattle Times, Bellingham Herald and the Skagit Valley Herald.

Cost: \$3,000

Commented [CL1]: As with all subawards, including this one which focuses public outreach relating to a particular sector, NWIFC should continue to exercise appropriate oversight during the implementation of this subaward to ensure that the products to be produced under this award undergo appropriate technical review and are consistent with and would not undermine the Puget Sound Action Agenda.

Commented [CL2]: The subawardee should define what they mean by "mutual support" and "third party validation." On the face of it, an "allied stakeholder group" would not be appropriate for providing an independent ("third party") validation of a product - if an independent validation of a product is sought, a neutral entity qualified with appropriate technical and policy expertise to perform a fair, unbiased evaluation should be used - not an "allied stakeholder group."

Also, note that technical review (item 12 in the workplan) to ensure the technical defensibility, balance, and soundness of deliverables under this award should be performed as we have urged previously. Although item 12 in this proposal states that technical review is not applicable, previous EPA comments have stressed that technical review IS needed for this project. Item 12 in this proposal should be filled out with an acceptable technical review plan for products to be produced under this award.

Commented [CL3]: It is not appropriate to refer to EPA and NWIFC as "allied stakeholder groups." For example, NWIFC has an oversight responsibility and role over all subaward performance and deliverables and is in a position to disapprove workplans and/or disallow costs if necessary and it is not appropriate to consider or refer to them as an "allied stakeholder group." Reference to both organizations as an "allied stakeholder group" should be removed.

Commented [CL4]: As always, NWIFC should review this proposed work when it is implemented to ensure that this proposed advertising does not violate grant regulations relating to advertisement and public relations. This comment applies to the next item below as well.

1. Task: Provide for a minimum of two billboard displays in Puget Sound, with distribution in King, Skagit and Whatcom counties.

Output: Two billboard displays for duration of campaign.

Cost: \$25,000

2. Task: Ongoing project management.

Output: Ongoing coordination of efforts by Strategies 360, including regular, biweekly check-ins, detailed expenditure reports on invoices, and assistance in completing grant reporting requirements.

Cost: \$20,000

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0. Task: Refine messages for renewed, robust, coherent six-month public information campaign through highly visible distribution channels, leveraging content from existing website, scientific data, and opinion research conducted in Task 1 of FY 11 and Task 2 and 3 of FY 13.

Output: Message refined to be more assertive, substantive and action-oriented, reflected in advertising content and on the website.

Cost: \$5,000

0. Task: Place earned media stories in relevant print, television, radio and online channels that support the messaging in Task 1 above, consistent with Task 5 in FY 11 and Task 4 in FY 12.

Output: At least three stories placed, including a guest editorial by Chairman Brian Cladoosby in the Skagit Valley Herald and/or the Seattle Times.

Cost: \$10,000

0. Task: Conduct outreach to at least five allied stakeholder groups for mutual support and third-party validation, including the Western Environmental Law Center, People for Puget Sound, Puget Soundkeeper Alliance, Center for Environmental Law and Policy, the Washington Environmental Council, Puget Sound Partnership, the Fish Commission and the Environmental Protection Administration. This task is consistent with Task 6 in FY 11.

Output: Outputs include mutual message alignment, support and amplification; use of stakeholder logos on the What's Upstream website; stakeholder newsletter and website promotion of What's Upstream campaign.

Cost: \$10,000

0. Task: Provide for a minimum of 18 ads in Washington newspapers, building on Task 2 in FY 11, Task 4 in FY 12 and Task 5 in FY 13.

Output: 12 paid print ads, with distribution in the Seattle Times, Bellingham Herald and the Skagit Valley Herald.

Cost: \$17,450

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0. ~~Task:~~ Provide for a minimum of four billboard displays in Puget Sound, with distribution in King, Skagit and Whatcom counties.

~~Output:~~ Four billboard displays for duration of campaign.

~~Cost:~~ \$45,000

0. ~~Task:~~ Ongoing project management.

~~Output:~~ Maintain tight coordination with Swinomish Indian Tribal Community, including regular, biweekly check-ins, detailed expenditure reports on invoices, and assistance in completing grant reporting requirements.

~~Cost:~~ \$5,000

c.c.c. **Project Timeline – Year 4:**

May 2015 – January 2016 May 2017

All activities for Tasks 1-6 will be conducted continuously from Nov 2016-May 2017.

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Activity	May	Jun	July	Aug	Sept	Oct	Nov	Dec
Task 1: Message development								
Task 2: Earned media placement								
Task 3: Stakeholder outreach								
Task 4: Print advertising								
Task 5: Billboard displays								
Task 6: Project management								

9. Budget – Year 4:

a. Annual Budget Summary:

Salaries	
Fringe Benefits	
Travel	
Supplies	
Communications/Utilities	
Equipment/Vehicle Rental	
Equipment/Vehicle O&M	
Sub-Contracts	
Capitalized Equipment	
Professional Services	92,450
Other (training)	
Total of Direct Costs	92,450
Indirect Costs	\$0
Grand Total	\$ 92,450

9 a. Task Breakdown: See Appendix 2

9b. See 8 b.

10. Project Management:

The project management will be overseen by Larry Wasserman, Swinomish Environmental Policy Director. Through regular meetings with key staff and project consultants the project's timelines, deliverables, and reports will be evaluated to insure that project goals are met. Funding for project management, with exception of the supplies costs described within the narrative and budget, will be from internal Tribal funds.

11. Local Coordination and Project Cooperators:

We plan to be extensively connected to local partners through the building of the partners that occurred in previous years of this funding.

12. Technical Review: N/A

13. Severability: N/A

14. Agricultural Lands Riparian Buffer: N/A

15. Non-duplication: No other federal funding will be contributing to this project. All funding supporting project management will come from internal tribal funds

16. References: N/A

Commented [CL5]: As we have said in previous comments, the deliverables produced under this project do need technical review. The products generated under this award are highly visible and are intended to influence public opinion and should be held to a high technical standard. The process the subawardee will use needs to be explained here so that NWIFC can determine whether the product will meet appropriate levels of technical soundness.

Appendix 1.

Annual Budget Summary for FY 2013 PSP/EPA Workplans

Salaries	0
Fringe Benefits	0
Travel	0
Supplies	0
Communications/Utilities	0
Equipment/Vehicle Rental	0
Sub-Contracts	0
Capitalized Equipment	0
Professional Services	92,450
Other	0
Total Direct Costs	92,450
Indirect Costs	0
Grand Total	92,450

Appendix 2

b. Task Delineated Budget:

	Task 1	Task 2	Task 3	Task 4	Task 5	Task 6	Task 7
Salaries							Formatted: Font: 11 pt
Fringe Benefits							Formatted Table
Travel							Formatted: Font: 11 pt
Supplies							Formatted: Font: 11 pt
Communications/ Utilities							
Equipment/Vehicle Rental							
Equipment/ Vehicle O&M							
Sub-Contracts							
Capitalized Equipment							
Professional Services	\$10,0005000	\$77,45037,450	\$50002000	3000	25000	20,000	\$92,450
Other (training)							
Total of Direct Costs	40,0005000	77,45037,450	50002000	3000	25,000	20,000	\$92,450

Indirect Costs							0
Grand Total	10,0005000	77,45037,450	\$ 5000,2000	3000	25,000	20,000	Formatted: Font: Not Bold \$ 92,450

Appendix 3

Budget Narrative:

Professional Services: The amounts listed for each task were provided by the Strategies 360, the consultant that we plan to retain for this project. A competitive bid process was conducted under Year One of this funding and Strategies 360 was selected. They are uniquely qualified to continue this work as they developed the Strategic Plan. Strategies 360 will be coordinating meetings with other collaborating entities and organizing the Swinomish Tribe's signature gathering efforts